

Appl. No. 10/625,815
Amdt. dated November 28, 2005
Reply to Office action of August 26, 2005

REMARKS

35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 6, 16, 18-19 & 23 as being obvious in light of the combination of Slinkman, Webb and Johnson.

First, the Examiner asserts that it would have been obvious to combine Webb with Slinkman to create a table game having a ball container incorporated thereon. However, there is simply no motivation to place the ball container of Webb on the table game of Slinkman. Although Slinkman discusses a video machine version, there is no mention of randomly determining the payout on the secondary or Hedge Bet. Moreover, Webb is limited to a ball container on a slot machine. That is, Webb fails to suggest or mention that the ball container may be used on a table game to determine a random payout. While the Examiner may contend that slot machines and table games are present in the same casinos, geography is not dispositive of the issue. Conventional table games and electronic gaming devices have always been treated as different entities and thus are not analogous art. Indeed, casinos utilize pit bosses to monitor live table games and use slot technicians to monitor slot machines.

Consequently, simply because a feature is used on a slot machine does not necessarily mean that it is suitable for a table game. In most instances, including the present situation, one skilled in the art would not look to slot machines to enhance awards of live table games. This fact is supported by Webb and Slinkman as neither mentions or suggests the cross-over, from slot machine to table game, asserted by the Examiner.

Next, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Slinkman to incorporate a dispenser, like that disclosed in Johnson, on the gaming table for ease and convenience in game play. Once again, there is no motivation or suggestion to make the suggested combination. Johnson teaches the use of a ball dispenser to facilitate the play of two distinct games of chance at one table in a generally simultaneous manner (see, column 6, lines 11-51). Specifically, Johnson teaches a first card game in combination with a second keno game (see, column 6, lines 33-51). The two games are independent. In other words, the ball dispenser of

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Johnson has nothing to do with the card game or determining a random bonus award associated therewith. The claimed use of the ball dispenser in the present application is to enhance the single live game of chance played at the table (e.g., blackjack). More particularly, the ball dispenser is used to determine a random bonus award related to the card game.

In addition, Johnson fails to disclose, suggest or teach that a player may activate the ball container. Johnson is limited to a dealer activated ball dispenser (see, column 3, lines 61-62; column 6, lines 46-47). Figs. 3, 7 and 8 further illustrate that it would be inconvenient for some players to press button (42) and other players would have to leave their seats to do so. Unfortunately, players are suspicious of house (i.e., dealer) operated devices. Accordingly, players prefer game interaction. By allowing eligible players to activate the ball dispenser, casinos remove the suspicion and more adequately entertain players.

There is also an inherent problem with combining Webb and Johnson. Webb specifically teaches away from dispensing balls from within the ball container while Johnson suggests either option. One skilled in the art would read Webb to dispel the use of dispensing balls from within the ball container. Thus, a table game incorporating Webb would require additional hardware to hide, select and display the actual game balls. In other words, it would be very difficult and expensive to utilize the ball container and ball selection system of Webb at a gaming table.

Therefore, it is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to **Deposit Account No. 502466** including any fee for extension of time, or the fee for additional claims which may be

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required. Please show our docket number with any Deposit Account transaction. **A copy of this letter is enclosed.**

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Respectfully submitted,

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Date: November 28, 2005

*The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to Deposit Account No. 502466 including any fee for extension of time, or the fee for additional claims which may be required. Please show our docket number with any Deposit Account transaction. **A copy of this letter is enclosed.***

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